

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE

ATTORNEYS

THE UNITED STATES

For U. S.:

vs.

Hubert H. Bryant
Asst. U.S. Atty.

79-C-385-C
5-25-79 Mot/vacate:
Pro Se
#16138-009
F.C.I.
Englewood, CO 80110

DARRELL WAYNE CONDIT,
Defendant.

8257 "A" S. Yorktown
~~1347 E. 61st St., Apt. 170~~
Tulsa, Ok 74105

For Defendant:
~~E. Terril Corley~~
~~411 Mayo Bldg.~~
~~Tulsa, Ok (585-1107)~~
Kenneth L. Stainer (Ct. Appt)
Mayo Bldg.
Tulsa 74103

| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
|----------------------------|-----------------|----------|---------------------|-------|-------|
| J.S. 2 mailed 9-1-74 | Clerk | 1-13-75 | D. Condit | 10.00 | |
| J.S. 3 mailed 12-1-74 | Marshal | 7-2-75 | D. Condit | 20.00 | |
| Suppl. 12-1-76 | | 3-10-76 | D. Condit | 20.00 | |
| Violation Postal & Forgery | Docket fee | 6-11-76 | Condit | 5.00 | |
| Title 18 | | 4-1-76 | " | 10.00 | |
| Sec. 1708 & 495 | | 8-5-76 | Condit | 20.00 | |
| | | 12-16-80 | Paid | | 85.00 |
| 2 Counts. | | | | | |
| \$2,000. &/or 5 Yrs. - | Re: Sect. 1708. | | | | |
| \$1,000. &/or 10 Yrs. - | Re: Sect. 495. | | | | |

| DATE | PROCEEDINGS |
|---------|--|
| 4-3-74 | Indictment, filed in open court. v |
| 4-3-74 | Record vote of the Grand Jury, filed in open court. v |
| 4-3-74 | Warrant for arrest of deft. issued at request of U.S. Atty. v |
| 8-8-74 | Case called for arraignment and plea. Deft. present and represented; Govt. represented. Deft. arraigned and enters pleas of NOT GUILTY as to each of Cts. 1&2. Deft. given 10 days to file motions and case to be set on next jury docket. Deft. counsel makes oral motion to reduce bond and Court directs him to file written motion. Deft. remanded to custody of USM. (AEB-J)b |
| 8-12-74 | Return on Warrant of Arrest of Deft., filed. Executed by delivering Deft. to Mag. Barnes on 8-6-74 and returning Deft. To Tulsa Co. Jail. v |
| 8-12-74 | MO: Sua-Sponte. The Court on its on motion directs that the Bond be reduced to \$1,000 Signature Bond. (AEB-J)b |
| 8-13-74 | Appearance Bond for Darrell Wayne Condit for \$1,000.00 (personal). Filed, w/Order specifying methods and conditions of release. (MLB-Mag)b |
| 9-27-74 | Notice for Jury Trial set for November 11, 1974 at 9:30 a.m. |

| DATE | PROCEEDINGS |
|----------|---|
| 10-9-74 | MO: Case set for jury trial on 11-11-74, at 9:30 A.M. (AEB-J)b nts mld |
| 10-15-74 | APPLICATION to Withdraw as Atty. of Record, filed.jj O to J |
| 10-30-74 | Motion to require Deft. to submit and give fingerprint and palm print specimens, filed. b 041 1974 |
| 11-1-74 | ORDER Granting Motion to require Deft. to submit and give fingerprint and palm print specimens, filed and entered. (FD-J for AEB-J) b |
| 11-11-74 | Case called for jury trial. Deft. present and represented by E. Terril Corley, Retained counsel; govt. represented by Hubert H. Bryant. Deft. requests a court-appointed attorney, since he is without funds to pay retained counsel, and Court appoints Kenneth L. Stainer to represent deft. Mr. Corley's application to withdraw as atty. of record is granted. Jury trial passed to November 19, 1974, at 10:00 a.m., and govt. witnesses recognized to return at that time. Original bond which was set in the amt. of \$5,000 cash or surety is reset by the Court and the personal bond in the amt. of \$1,000 is vacated by the Court. Deft. remanded to custody of U.S. Marshal & U.S. Marshal ordered to obtain the deft's handwriting exemplar & palm prints. (AEB-J)hm |
| 11-11-74 | Appearance bond of the deft. in the amt. of \$5,000 surety, filed. hm |
| 11-11-74 | Order specifying methods and conditions of release, filed. hm |
| 11-12-74 | Order, filed, allowing E. Terril Corley, to withdraw as atty. for deft. (AEB-J)v -copies mailed. |
| 11-14-74 | Case set for jury trial on 11-19-74, at 2:00 P.M. (AEB-J)b nts mld. |
| 11-18-74 | Case called for jury trial. Deft. present & represented. Govt. represented. Deft. withdraws plea of Not Guilty and enters plea of GUILTY, as to both cts. Waiver of Jury signed and filed in open court. Deft. adjudged GUILTY as to Cts. 1&2. Sentencing set for 11-26-74, at 10:00 A.M. Deft. allowed to remain on present bond. (AEB-J)b |
| 11-26-74 | Case called for Sentencing. Deft. present & rep. Gov't. rep. Deft. & counsel are asked if they care to say anything before sentence is passed and no cause to the contrary being shown: JUDGMENT AND SENTENCE - DARRELL WAYNE CONDIT Ct. 1 - Imposition of sentence is suspended and deft. is placed on probation for a period of four (4) years. Ct. 2 - Imposition of sentence is suspended and deft. is placed on probation for a period of four (4) years, such probation to run concurrently with that imposed in Count 1. Such impositions of probation are made pursuant to the Y.C.A. T. 18, USC, §5010(a). Conditions of probation are that deft. (1) marry his common law wife, Valerie Strong, and notify the Court at the time of such legal civil ceremony, (2) make restitution in the amt. of \$104.40 at the rate of \$10.00 per month, until paid, to commence 1-1-75, and (3) seek out-patient treatment at Hillcrest Medical Center until released by a doctor. (AEB-J)k |
| 11-26-74 | Judgment & Order of Probation, filed & entered.k |
| 11-26-74 | 2 cc of J & O of P to Probation. k |
| 12-24-74 | Application to set aside condition of probation with affidavits of Darrell Wayne Condit and Valerie Strong, filed. b |
| 12-26-74 | MO: Case set for hearing to show cause on application to set aside first condition of probation on 1-14-75, at 10:00 A.M. (AEB-J)b nts. mld. |

D. C. 109A
CRIMINAL DOCKET

| DATE | PROCEEDINGS |
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| 1-14-75 | Case called for hearing on to show cause on application to set aside condition of probation. Deft. present & represented. Govt. represented. Application stricken as moot. (AEB-J)b |
| 11-4-76 | Application and order for the arrest of Deft. Condit by bench warrant -- warrant issued. Filed. nb |
| 11-5 | Deft. appeared before U.S. Magistrate Barnes upon arrest for probation violation. Deft. rep. by Kenneth Stainer. Deft. advised of charges in prob. viol.; waives preliminary hearing before Mag. Bail fixed at \$15,000 C/S. Deft. remanded to U.S.M. until bond is made or further order of the Court. (CB-Mag) b |
| 11-5 | Waiver of prel. hrg. filed.b |
| 11-5 | Info. sheet & financial affid. filed. b |
| 11-8 | Ret. on warrant of arrest of prob. filed. Deft. arrested 11-5-76. b |
| 11-8 | MO: Case set for hearing on revocation of probation on 11-9-76, at 11:00 A.M. (AEB-J)b nts by phone |
| 11-9 | Case called for hearing on revocation of probation. Deft. present & rep. Govt. represented. Probation officer Rod Baker makes report to Court on deft. Deft. co. & deft. make statements. Ct. revokes probation. Deft. & co. asked if they have anything to say before sentence is pronounced: Ct. 1 - Atty. Gen. - Eighteen (18) mos. & further ordered that Deft. shall be eligible for release on parole after serving one-third of such term as provided in T.18, USC, Sec. 4205(a). IT IS FURTHER adjudged that deft. be given psychiatric study to determine if he needs psychiatric treatment & make report to Ct. w/in 90 days. |
| | Ct. 2 - Impos. of sentence is suspended & deft. is placed on prob. for period of two (2) years. Condition of prob. is that deft. pay balance of restitution, (\$19.40) to Ct. Clk. w/in 6 mos. from release from instit. Deft. remanded to USM. (AEB-J)b |
| 11-9 | Revocation of probation, filed & entered. (AEB-J)b |
| 11-9 | Two c/c of Rev. of Prob. to USM. b |
| 11-9 | Two c/c of Rev. of Prob. to probation. b |
| 11-24 | J&C, ret. & filed: deft. Condit delivered to FCI, El Reno, Ok. |
| 1977 | on 11-22-76. g |
| 3-7 | Deft's motion for reduction of Sentence, filed.k cpy to Dene |
| 3-8 | Order fld. ordered that the mot. for modif. of sentence of Darrell Wayne Condit be overruled. (AEB-J) cps mld. ho |
| 1-13-78 | Transfer of Jurisdiction of Probation, fld. cc of Transfer of Jurisdiction, the Indictment and the Judgment and Commitment, mld. to U.S. Dist. Court, E.D. of California on this date. (AEB-J)v |
| 3-21-79 | Reporters transcript of proceedings had on 11-9-76, Before Judge Barrow, Revocation of Probation, fld. ho (GRD-CSR)ho 24 pgs. |
| 5-25-79 | MOTION to vacate, set aside or correct sentence and affidavit in support of request to proceed in forma pauperis.k (79-C-385-C) |
| 7-10-79 | ORDER that mot/vacate, set aside or correct sentence is overruled. Entered. (HDC-J)k cps mld |
| 7-24-79 | MOTION of petitioner for leave to appeal in f.p.,w/affidavit. rm |
| 7-24-79 | MOTION to have record on appeal transferred to Ct./Appeals.rm |
| 7-24-79 | NOTICE OF APPEAL from order of 7/10/79. rm |

| DATE | PROCEEDINGS |
|---------|---|
| 1979 | |
| 7-24 | ORDER (as part of motion) granting mo/have record on appeal transmitted. (HDC-J)rm-c/m |
| 7-24 | ORDER (as part of motion) granting deft. leave to appeal in f.p.(HDC-J)rm-c/m |
| 8-10 | APPEAL RECORD (1 vol) re 2255 motion, transmitted to 10th Circuit. rm |
| 8-24 | LETTER from 10th Circuit assigning No. 79-1879. rm |
| 6-30-80 | MANDATE & OPINION of 10th Circuit, filed and spread of record, affirming judg. of this court. rm |
| 7-2 | APPEAL RECORD (1 vol) re 2255 motion, received from 10th Cir. rm |

